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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,071	02/16/2001	David Frederick Bantz	YOR920000803US1	5094

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DUKE. W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER	
SIMITOSKI, MICHAEL J	

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/788,071	BANTZ ET AL.	
	Examiner	Art Unit	
	Michael J. Simitoski	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-6,10,11,16,17,19-22,26,27,32,33,35-38,42,43 and 48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-6,10,11,16,17,19-22,26,27,32,33,35-38,42,43 and 48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The response of 5/8/2006 was received and considered.

2. Claims 1, 3-6, 10-11, 16-17, 19-22, 26-27, 32-33, 35-38, 42-43 & 48 are pending.

Response to Arguments

3. Applicant's arguments filed 5/8/2006 have been fully considered but they are not persuasive.

Applicant's response (p. 8) argues that Hoffberg, Palmer and Kirsch fail to teach or suggest storing the requested content in an objectionable content data structure if a score for the requested content is above at least one threshold for at least one category of objectionable content. Specifically, Applicant's response (p. 9) argues that Kirsch is directed to spam filtering and as such the content is not requested and thus the references do not teach storing the requested content in an objectionable content data structure. Applicant cites Kirsch (col. 1, lines 34-55) for evidence that Kirsch views undesirable email as unsolicited. Hoffberg and Palmer both teach requesting content where the requested content is filtered, similarly to Kirsch. Kirsch teaches an email filtering system where a score is determined and if exceeding the score, the mail is sent to a specific queue to allow for later review (col. 7, lines 1-16 & 40-43). The content, whether unsolicited or requested in Hoffberg, Palmer and Kirsch, is subjected to user-requested filtering. Specifically, Kirsch teaches "A **generally** undesired use of email, hereinafter referred to as the delivery of undesired email (UEM) and loosely referred to as "spam" email or "spamming," is the **typically** unsolicited mass emailings to open or unsubscribed email addresses" (emphasis added). It should be noted that Kirsch teaches that "Any loss of non-UEM messages, however,

is generally considered completely unacceptable by users" (col. 2, lines 46-47). Nowhere does Kirsch indicate that the UEM filter allowing a user to review and clean content would not be useful to a user requesting the content, but which is filtered for a different reason. Further, even though the user requests the content in Hoffberg and Palmer, the system subjects the content to filtering, just as Kirsch does. Therefore even if the content is requested, it is undesirable until it passes filtering. Further, and most importantly, one of ordinary skill would still find Kirsch's message queue useful in the systems of Hoffberg and Palmer as the queue would still serve its purpose – to allow a user to review and possibly clean the content. This would allow the user to review the content, avoiding the loss of filtered, but desired content.

Applicant's response (p. 9) argues that no suggestion is present in any of the references to modify the references to include the features listed by Applicant, i.e. that a problem exists for which storing the requested content in an objectionable content data structure if a score for the requested content is above at least one threshold for at least one category of objectionable content, is a solution. However, as stated above, Hoffberg and Palmer both teach requesting content where the requested content is filtered, similarly to Kirsch. Kirsch teaches an email filtering system where a score is determined and if exceeding the score, the mail is sent to a specific queue to allow for later review (col. 7, lines 1-16 & 40-43). One of ordinary skill would find Kirsch's message queue useful in the systems of Hoffberg and Palmer as the queue would still serve its purpose – to allow a user to review and possibly clean the content. This would allow the user to review the content, avoiding the loss of filtered, but desired content.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 3, 5-6, 10-11, 16-17, 19, 21-22, 26-27, 32-33, 35, 37-38, 42-43 & 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,850,252 to **Hoffberg**, U.S. Patent 5,195,135 to **Palmer** and U.S. Patent 6,772,196 to Kirsch et al. (**Kirsch**).

Regarding claims 1, 17 & 33, Hoffberg discloses receiving requested content, retrieving a user profile for a requesting user, wherein the user profile includes parameters/factors for identifying objectionable content (col. 222, line 49 – col. 223, line 12), analyzing the requested content using the parameters/factors stored in the user profile of the requesting user (determining a correlation) to identify an amount/score of objectionable content based on the parameters for each of the plurality of categories/categorizations of objectionable content (col. 222, line 49 – col. 223, line 12) and determining a score/composite score for the requested content for each of the categories/categorizations of objectionable content based on the amount/weight and category/correlation factor categorization contained in the requested content (col. 222, line 49 – col. 223, line 12). Hoffberg lacks a plurality of thresholds including a threshold for each of a plurality of categories of objectionable content and lacks storing the requested content in an objectionable content data structure if a score for the requested content is above at least one threshold for at least one category of objectionable content. However, Palmer teaches that multivariate censorship (simultaneous censorship of several different subjects, with each subject censored to a different threshold) is useful because it takes into considerations varied tastes (for

instance simultaneous censorship of nudity/sex to a level suitable to children and violence/mayhem to a level suitable for sophisticated adults) (col. 4, lines 25-32). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hoffberg to take into consideration a plurality of thresholds for each of a plurality of categories of objectionable content. One of ordinary skill in the art would have been motivated to perform such a modification to take into considerations varied tastes, as taught by Palmer (col. 4, lines 25-32). Further, Kirsch teaches an email filtering system where a signature is generated for a message and compared to signature record sets retrieved from a client signature database, determining a score for each of the various subsets. If it is unwanted, it can be sent to a "suspected UEM" inbound email queue to allow the user to later review (col. 7, lines 40-43). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hoffberg to store the requested content in an objectionable content data structure/"suspected UEM" queue if a score for the requested content is above at least one threshold for at least one category of objectionable content. One of ordinary skill in the art would have been motivated to perform such a modification to allow the user to later review the content, as taught by Kirsch (col. 7, lines 1-16 & 40-43).

Regarding claims 3, 6, 10-11, 16, 19, 22, 26-27, 32, 35, 38, 42-43 & 48, Hoffberg, as modified above, discloses providing at least one entry from the objectionable content data structure to a user (Kirsch, col. 7, lines 1-16), receiving input from the user categorizing the at least one entry as objectionable or non-objectionable (col. 223, lines 12-20) and adjusting at least one predetermined threshold within the plurality of thresholds if the input from the user categories the at least one entry as non-objectionable (col. 223, lines 12-20).

Regarding claims 5, 21 & 37, Hoffberg discloses the method performed on a client device/set top box (col. 219, lines 51-54).

6. Claims 4, 20 & 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hoffberg**, **Palmer** and **Kirsch**, as applied to claim 1 above, in further view of UK Patent Application GB 2 347 053 A to **Jelbert**. Hoffberg lacks the method implemented in a proxy server. However, Jelbert teaches that if email filtering is implemented on a proxy server, little change needs to be made to the POP3 server and the client (p. 8, ¶2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hoffberg to implement the method in a proxy server. One of ordinary skill in the art would have been motivated to perform such a modification to avoid major changes to a client or server, as taught by Jelbert (p. 8, ¶2).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. The '402 reference is cited for teaching accommodating multiple categories of content filtering and blocking a signal that meets or exceeds a threshold level set for any one category (col. 18, lines 1-4).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (571) 272-3841. The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJS

June 27, 2006

JACQUES LOUIS-JACQUES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100